இணைப்பு VI

[187-ம் பக்கத்திலுள்ள இனம் 4 (3)-க்கான அடிக் குறிப்பைக் காண்க.]

L.A. Bill No. 42 of 1972.

[As passed by the Assembly]

A Bill to amend the Tamil Nadu Excise Act, 1971.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Excise (Amendment) Act, 1972.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section* 2, *Tamil Nadu Act* 34 *of* 1971.—In section 2 of the Tamil Nadu Excise Act, 1971 (Tamil Nadu Act 34 of 1971) (hereinafter referred to as the principal Act), for clause (22), the following clause shall be substituted, namely :—

" (22) ' sale ' or ' selling ' includes a gift or any other transfer ".

3. *Amendment of section* 39, *Tamil Nadu Act* 34 *of* 1971.—In section 39 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be added, namely :—

' Provided further that where any toddy, wash or any *sonti soru* is seized under this section by any officer or person, such officer or person may destroy or cause to be destroyed on the spot, the toddy, wash or *sonti soru* and send the pots or other receptacles in which the toddy, wash or *sonti soru* was kept to the Excise and Prohibition or Police Officer or Magistrate having jurisdiction to inquire into the case, with a report attested by two or more witnesses specifying the quantity of toddy, wash or *sonti soru* seized and destroyed and the number of the pots and other receptacles sent.

Explanation.—For the purposes of this section,—

(*a*) " *sonti soru* " means a liquid prepared from rice or starch which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased ; and

(b) " *wash* " means a mixture of water and saccharine materials which is in the process of vinous or alcoholic fermentation or in which such fermentation has ceased. ".

4. *Amendment of section* 44, *Tamil Nadu Act* 34 *of* 1971.—In section 44 of the principal Act, for the words " who own or hold land on which there shall be any manufacture of liquor ", the words " who own or hold land or house property on or in which there shall be any tapping for toddy or manufacture of liquor " shall be substituted.

5. *Insertion of new section* 54-A *in Tamil Nadu Act* 34 *of* 1971.—After section 54 of the principal Act, the following section shall be inserted, namely :—

" 54-A. *Excise-officer deemed to be a police officer for certain purposes.*—An excise-officer shall be deemed to be a police officer within the meaning and for the purposes of section 125 of the Indian Evidence Act, 1872 (Central Act I of 1872). ".

6. *Substitution of new section for section* 61, *Tamil Nadu Act* 34 *of* 1971.—For section 61 of the principal Act, the following section shall be substituted, namely :—

" 61. *For illegal import, etc.*—Whoever, in contravention of any of the provisions of this Act, or of any rule or order made under this Act, or of any licence or permit obtained under this Act.—

(a) imports, exports, transports or possesses liquor; or

(b) manufactures liquor; or

(c) taps any toddy producing tree or permits or suffers to be tapped any toddy producing tree belonging to him or in his possession ; or

(d) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belogning to him or in his possession; or

(e) constructs or works any distillary or brewery; or

(f) uses, keeps or has in his possession any materials, stills, utensils, implements or apparatus whatsoever for the purpose of manufacturing liquor other than toddy or keeps or has in his possession any materials which have undergone any process towards the

manufacture of liquor or from which any liquor has been manufactured; or

(*g*) bottles any liquor for purposes of sale; or

(*h*) sells liquor; or

(*i*) allows any of the acts aforesaid upon premises in his immediate possession,

shall, on conviction before a Magistrate, be punished for each such offence with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but in respect of the offences specified in clauses (*a*), (*b*), (*e*), (*f*) and (*h*), such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees.".

7. *Amendment of section* 62, *Tamil Nadu Act* 34 *of* 1971.—In section 62 of the principal Act, in sub-section (1), for the words "be liable to imprisonment for a term which may extend to three months, or to fine which may extend to one thousand rupees or both", the words "be punished with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees" shall be substituted.

8. *Insertion of new section* 62-*A in Tamil Nadu Act* 34 *of* 1971.—After section 62 of the principal Act, the following section shall be inserted, namely :—

"62-A. *For conspiracy*.—When two or more persons agree—

(*a*) to commit or cause to be committed any offence under section 61 or sub-section (1) of section 62, or

(*b*) to evade or nullify the provisions of this Act, each of such person shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees, but such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees.".

9. *Amendment of section* 64, *Tamil Nadu Act* 34 *of* 1971.—For clause (*b*) of section 64 of the principal Act, the following clause shall be substituted, namely :—

"(*b*) sells or keeps or exposes for sale as foreign liquor, any liquor which is not foreign liquor; or".

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10. *Amendment of section* 66, *Tamil Nadu Act* 34 *of* 1971.—In section 66 of the principal Act, for the words " with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both ", the words " with imprisonment for a term which may extend to one year and with fine which may extend to two thousand rupees, but such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees " shall be substituted.

11. *Amendment of section* 75, *Tamil Nadu Act* 34 *of* 1971.—In section 75 of the principal Act, sub-section (2) shall be omitted.

12. *Insertion of new sections* 77-*A*, 77-*B*, 77-*C and* 77-*D in Tamil Nadu Act* 34 *of* 1971.—After section 77 of the principal Act, the following sections shall be inserted, namely:—

" 77-A. *Summary trial of certain offences.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898), the Government may confer on—

(i) any Magistrate of the first class ; or

(ii) any Magistrate of the second class who has exercised the powers of such Magistrate for not less than one year ; or

(iii) any Special Magistrate appointed under section 14 of the said Code, upon whom the powers conferred by section 32 of the said Code on a Magistrate of the first class have been conferred; or

(iv) any Special Magistrate appointed under section 14 of the said Code upon whom the powers conferred by section 32 of the said code on a Magistrate of the second class have been conferred and who has exercised those powers for not less than one year. power to try summarily in accordance with the provisions contained in sections 262 to 265 of the said Code, all or any of the offences which are punishable under this Act with imprisonment for a term not exceeding six months, or with fine, or with both. but as a result of such trial no sentence except a sentence of fine shall be imposed.

77-B. *Enhanced jurisdiction of Magistrates and Special Magistrates.*—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), it shall be lawful for—

(*a*) the Magistrates of the first class or Special Magistrates appointed under section 14 of the said Code upon whom the powers

conferred by section 32 of the said Code on a Magistrate of the first class have been conferred, to impose a fine exceeding two thousand rupees but not exceeding five thousand rupees ;

(b) the Magistrates of the second class or Special Magistrates appointed under section 14 of the said Code upon whom the powers conferred by section 32 of the said Code on a Magistrate of the second class have been conferred, to punish with imprisonment for a term not exceeding one year and to impose a fine not exceeding one thousand rupees.

77-C. *Certain offences to be non-bailable.*—(1) The offences punishable under clauses (*b*), (*e*), (*f*) and (*h*) of section 61, section 62 and section 66 shall be non-bailable and the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898), with respect to non-bailable offences shall apply to those offences.

(2) Nothing contained in section 5, section 36, section 39, section 45, section 46, section 55 and section 56 shall be construed as entitling a person to be released on bail, if the offence alleged to have been committed by such person is one referred to in sub-section (1).

77-D. *Security for abstaining from commission of certain offences.*—(1) Whenever any person is convicted of an offence punishable under clause (*a*), (*b*), (*e*), (*f*), (*g*) or (*h*) of section 61 or clause (*i*) of section 61 so far as it relates to the acts referred to in the clauses aforesaid or section 62 or 66 and the court convicting him is of opinion that such person habitually commits or attempts to commit, or abets the commission of any such offence and that it is necessary to require such person to execute a bond for abstaining from the commission of any such offence, the court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond shall be in such form as may be prescribed and the provisions of the Code of Criminal Procedure, 1898 (Central Act V of 1898), shall in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 106 of that Code.

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(3) The provisions of sections 122, 126, 126-A, 406-A (b) and (c), 514, 514-A, 514-B and 515 of the Code of Criminal Procedure 1898 (Central Act V of 1898), shall, so far as may be, apply in the case of sureties, if any, given under sub-section (1).

(4) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(5) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.".

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

இணைப்பு VII

[189-ம் பக்கத்திலுள்ள இனம் 4 (4)-க்கான அடிக் குறிப்பைக் காண்க.]

L. A. Bill No. 25 of 1972.

[As passed by the Assembly]

A Bill further to amend the Madurai City Municipal Corporation Act, 1971.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madurai City Municipal Corporation (Amendmet) Act, 1972.

(2) (a) Sections 2, 3 and 4 shall be deemed to have come into force on the 1st April 1972 ;

(b) Section 5 shall be deemed to have come into force on the 25th May 1972.

2. *Insertion of new section 29-A in Tamil Nadu Act* 15 *of* 1971. —After section 29 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) (hereinafter referred to as the principal Act), the following section shall be inserted, namely : –

" 29-A. *Government to notify the date of election of Mayor or Deputy Mayor when the term of office of councillors is statutorily extended.*—Notwithstanding anything contained in section 29, or in any other provision of this Act or in Schedule VII, during the period of extension of the term of office of the councillors by section 5 of the Madurai City Municipal Corporation (Amendment and